House hearing whitewashes US government seizure of AP phone records

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Two days after the Associated Press revealed that the Justice Department had secretly seized telephone records of its editors and reporters, the Obama administration continued to defend its actions. A House committee that heard testimony from Attorney General Eric Holder initiated a bipartisan whitewash of the virtually unprecedented assault on press freedom.

The Justice Department has rejected AP demands that it return the thousands of telephone records it subpoenaed, without prior notice to the press agency, and destroy all copies. It has refused to answer inquiries from newspapers and television networks as to other possible subpoenas of internal media communications.

In connection with a criminal investigation ordered by Holder last June of an alleged leak of classified information in an article published the previous month by the AP, the Justice Department last February obtained a subpoena for records of all calls from some 20 telephone lines over a two-month period prior to the appearance of the article. The lines that were tracked included the national office of the AP in Washington DC and news offices in Washington DC, New York and Hartford, as well as the telephone used by AP reporters in the congressional press gallery in the Capitol.

Also targeted were the home and cell phones of at least one editor and at least five reporters who were involved in the story, an exposè of a covert CIA operation in Yemen. The story was denounced at the time by John Brennan, then President Obama's chief counterterrorism adviser, as an "irresponsible and damaging leak of classified information." Brennan is currently the director of the CIA.

Holder last June also ordered a criminal probe of alleged national security breaches in connection with *New York Times* articles on Obama's drone assassination program and the White House "kill list," and on US collaboration with Israel in the production of the Stuxnet computer virus, which was used to attack Iran's nuclear program.

In a letter Tuesday to Holder and Deputy Attorney General James Cole, a media coalition headed by the Reporters Committee for Freedom of the Press said its members were "stunned" to learn of the Justice Department's actions. The press organization is comprised of more than 50 news organizations, including the *Washington Post* and the *Wall Street Journal* .

The letter stated: "In the thirty years since the Department issued guidelines governing its subpoena practice as it relates to phone records from journalists, none of us can remember an instance where such an overreaching dragnet for newsgathering materials was deployed by the Department, particularly without notice to the affected reporters or an opportunity to seek judicial review."

The signatories added that the Justice Department "should announce whether it has served any other pending news media-related subpoenas that have not yet been disclosed."

The revelations of illegal government spying on the press coincide with a burgeoning scandal over the targeting by the Internal Revenue Service of organizations at odds with the policies of the administration. The IRS has admitted to improperly tagging for more intrusive investigation organizations applying for tax-exempt status that it believed were linked to the Tea Party and other Republican groups.

In the midst of these scandals arising from the anti-democratic methods and policies of the Obama administration, Attorney General Holder testified for some four hours on Wednesday before the House

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Judiciary Committee. What the hearing revealed, however, was not only indifference among both Democrats and Republicans to the escalating assault on democratic rights, but overwhelming support for the expansion of police state measures that is being carried out in the name of the "war on terror," of which the attack on press freedom and prosecution of whistle-blowers is a part.

In his opening statement to the committee, Holder began by hailing the role of federal, state and local police and intelligence agencies in the police-military lockdown of metropolitan Boston following the bombings last month at the Boston Marathon. He made no mention of either the IRS scandal or the dragnet of AP phone records. Holder had previously announced that he had recused himself from the AP leak investigation and played no role in the decision to subpoena the information. He has referred all questions on the matter to his deputy, James Cole.

However, Holder implicitly defended the actions of the Justice Department with the preposterous assertion, "We've utilized essential intelligence-gathering and surveillance capabilities in a manner that's consistent with the rule of law, and with our most treasured values." And while he refused to answer specific questions about the AP case, he repeated previous assurances that Deputy Attorney General Cole and the US attorney in Washington DC had followed all appropriate Justice Department rules and regulations.

The tone for what was to follow was set in the opening statements of the committee chairman, Republican Bob Goodlatte, and the ranking Democrat, John Conyers. Both Goodlatte and Conyers praised the FBI and the other law enforcement agencies for their de facto state of siege in Boston.

In his questioning of Holder, Goodlatte cited the supposed failure of the FBI, CIA and Department of Homeland Security to "connect the dots" prior to the bombing and suggested that the rules for interrogators be loosened. Holder replied by saying, "I think you're right, Mr. Chairman." He offered to work with the Republican congressman toward that end.

Goodlatte also criticized Holder and the Justice Department for not delaying reading the bombing suspect, Dzhokhar Tsarnaev, his Miranda rights longer than 48 hours. This line of attack on the right to remain silent and the right to counsel was taken up by a number of other Republicans on the committee.

The chairman questioned the extent of the seizure of AP phone records and the failure of the Justice Department to give the news service advance notice, but he did not pursue the matter when Holder dodged the questions.

In his questioning, Conyers did not even mention the attack on the Associated Press, setting the pattern for almost all of the other Democrats on the committee. Only two Democrats, Zoe Lofgren of California and Hakeem Jeffries of New York, directly criticized the Justice Department's dragnet of phone records, and both did so quickly and perfunctorily.

Lofgren, for example, stated that the Justice Department's actions had "impaired the First Amendment," but went on to suggest that this "impairment" might be justified by the "criminal violation" under investigation. When Holder said an "after-action analysis" of the AP case might be appropriate, Lofgren thanked him and said, "That might be good."

Two Democrats, Hank Johnson of Georgia and Cedric Richmond of Louisiana, openly supported the attack on press freedom. Defending the seizure of the phone records, Johnson said, "The Espionage Act of 1917 would authorize prosecution of anyone who published classified information."

The Republicans for the most part avoided the AP issue, concentrating instead on the IRS scandal and partisan attacks on Thomas Perez, the current head of the Civil Rights Division of the Justice Department, who has been nominated by Obama to become the new labor secretary.

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